

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.9775 of 2015
& M.P.No.1 of 2015

1 S. Natarajan .. Petitioner

Vs.

1 The Superintending Engineer
Tamil Nadu Water Supply and
Drainage Board
Vellore & Thiruvannamalai Circle
6, 15th East Main Road
Gandhi Nagar, Vellore - 632 006.

2 The Executive Engineer
Tamil Nadu Water Supply and
Drainage Board
Project Formulation Division (CBIC)
3, 6th Main road, Gopalapuram
Gandhi Nagar
Vellore - 632 006.

3 The Chief Engineer
Tamil Nadu Water Supply and
Drainage Board
Vellore Region, Gandhi Nagar East
Vellore - 632 006.

4 The Managing Director
Tamil Nadu Water Supply and
Drainage Board
31, Kamarajar Salai
Chepuak
Chennai - 600 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records connected with the impugned orders dated 24-03-2015 issued by the first respondent vide Proceeding No.903/F.Transfer/A1/VTC/VLR/2015 and quash the same as far as the orders of transfer issued to the petitioner herein and further direct the first respondent to issue posting orders in the vacancies prevailing at Vellore itself, Vellore District within a time frame as may be fixed by this Honble Court.

For Petitioner

: Mr.L.Chandrakumar for
M/s.Law Square

O R D E R

The order dated 24.03.2015 transferring the petitioner from Vellore to Thiruvannamalai is challenged primarily on the ground that the Project in question requires more than two officials at Vellore.

2. The petitioner is presently working as Assistant in Tamil Nadu Water Supply and Drainage Board at its Regional Office at Vellore. According to the petitioner, the Government have sanctioned two posts of Assistant to look after the Project in question. However, the Executive Engineer, the second respondent herein, by communication dated 16.03.2015 informed the Superintending Engineer that the workload of Assistant is very limited and as such the service of the petitioner could be better utilized by the needed offices. The Superintending Engineer by order dated 24.03.2015 transferred the petitioner to RWS Division at Tiruvannamalai. The said order is challenged in this Writ Petition.

3. The learned counsel for the petitioner submitted that there are two Assistants presently working at Vellore. Tmt.A.Anusuya, who is also working as Assistant made an application for transfer to Tiruvannamalai. The petitioner, who wanted to continue at Vellore is also transferred along with Tmt.A.Anusuya. According to the learned counsel, the P.F.Division at Vellore is having sufficient work and as such the Executive Engineer was not correct in informing the Superintending Engineer that there is no sufficient work to post these two Assistants at Vellore.

4. The question as to whether there are sufficient work for the purpose of posting of the officials is essentially an issue to be decided only by the employer. We are now concerned about the order passed by the Superintending Engineer transferring the

petitioner from Vellore to Tiruvannamalai. It is true that the Executive Engineer by letter dated 16.03.2015 recommended to the Superintending Engineer, Vellore to transfer the Assistants working at Vellore to any other Division where their services could be better utilized. The said letter does not contain any indication that the petitioner should be posted at a particular Division. According to the Executive Engineer, the workload of Assistant is very limited at Vellore and it could be looked after by the Superintendent. It was only under such circumstances, the Superintending Engineer transferred the petitioner to Tiruvannamalai. The first respondent was fully correct in transferring the petitioner to Tiruvannamalai, where his services could be better utilized. I therefore do not find any merit in the contentions taken by the petitioner.

5. In the result, the Writ Petition is dismissed. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ajr

To

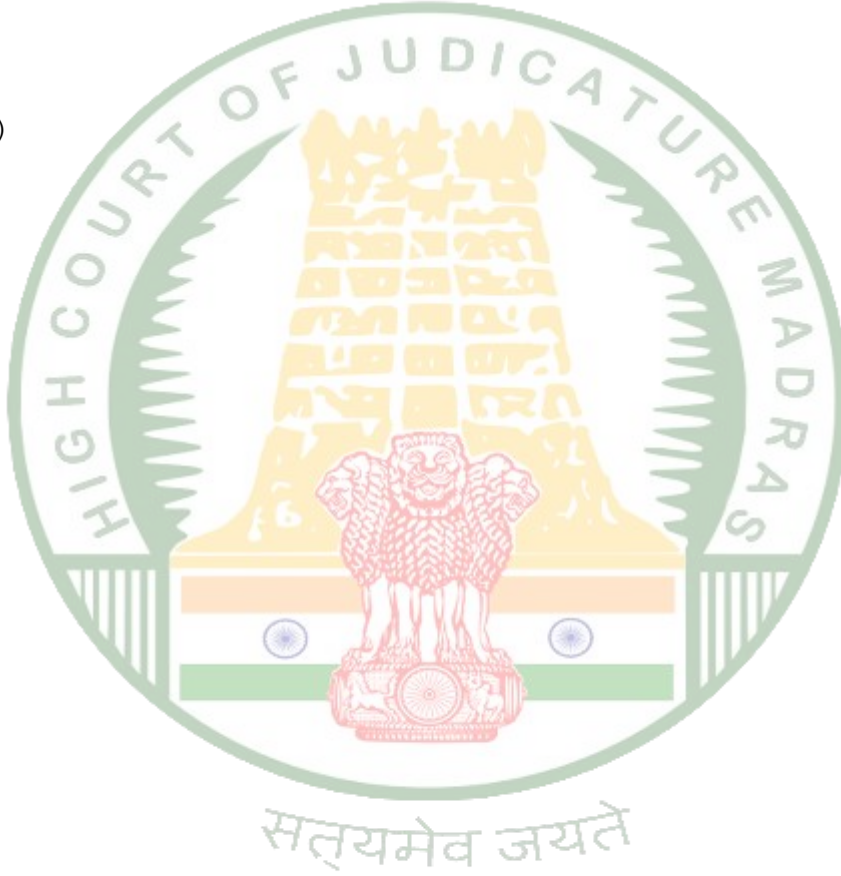
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1 cc to M/s. Law Square, Advocate, Sr. 18420
1 cc to M/s. Government Pleader, Sr. 18775

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